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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: HU et al.

Application Serial No.: 09/935,726

Art Unit: 1647

Filing Date: August 24, 2001

Examiner: To be assigned

Title: Vascular Endothelial Growth
Factor 2

Atty. Docket No.: PF112P3D1C1



INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

In accordance with the duty of disclosure imposed by 37 C.F.R. § 1.56 to inform the Patent and Trademark Office of all references coming to the attention of each individual associated with the filing or prosecution of the subject application, which are or may be material to the patentability of a claim of the subject application, Attorneys for Applicants hereby direct the Examiner's attention to references AA-FO listed on the attached Form PTO/SB/08. A copy of each of the cited references is enclosed.

Applicants also wish to direct the Examiner's attention to the Statutory Declarations and accompanying exhibits as follows:

- (a) Statutory Declaration of John Stanley Mattick, executed on December 12, 2000, and Exhibits JSM1-JSM4;
- (b) Statutory Declaration of Nicholas Kim Hayward, executed on December 8, 2000, and Exhibits NKH1-2;
- (c) Statutory Declaration of Jennifer Ruth Gamble, executed on December 12, 2000, and Exhibits JRG1-3;
- (d) Statutory Declaration of Tom Rapoport, executed on December 13, 2000, and Exhibits TP1-2;

- (e) Statutory Declaration of Stuart A. Aaronson, executed on December 14, 2000, and Curriculum Vitae of Stuart A. Aaronson;
- (f) Statutory Declaration of Susan Power, executed on December 13, 2000, Appendices 1-2 and Figure 1;
- (g) Statutory Declaration of Gary Baxter Cox, executed on December 13, 2000, and Exhibits GBC-1 – GBC 23;
- (h) Statutory Declaration of Peter Adrian Walton Rogers, executed on November 12, 2001, and exhibits PAWR-1 through PAWR-14;
- (i) Statutory Declaration of Peter Adrian Walton Rogers, executed on February 16, 2000, and exhibit 1;
- (j) Statutory Declaration of Kari Alitalo executed on February 15, 2000, and exhibits 1-3;
- (k) Statutory Declaration of Francis John Ballard, executed on February 16, 2000, and exhibit 1;
- (l) Statutory Declaration of Kari Alitalo, executed on September 24, 2001, and exhibits 1-2; and
- (m) Statutory Declaration of Francis John Ballard, executed on December 12, 2001 and exhibit 1.

The above-listed declarations and accompanying exhibits were brought to the attention of the Applicants in connection with an opposition to an Australian application that essentially corresponds to the U.S. priority application in this case. A copy of the above-listed Declarations and accompanying exhibits thereto, are enclosed.

The above information is presented so that the Patent and Trademark Office can determine any materiality thereof to the claimed invention. See 37 CFR 1.104(a) concerning the PTO duty to consider and use any such information. It is respectfully requested that the information be considered during the prosecution of this application.

Identification of the listed reference(s) is not to be construed an admission of any individual associated with the filing or prosecution of the subject application that such references are available as “prior art” against the subject application. Furthermore, Applicants do not waive any rights to appropriate action to establish patentability over any of the listed documents should they be applied as references against the claims of the subject application.


Applicants respectfully request that the Examiner acknowledge receipt of references AA-FO, and enclosed Declarations and exhibits attached thereto, in the file of the instant application.

Pursuant to 37 C.F.R. § 1.97(b), since this information disclosure statement is being filed before the mailing date of a first Office Action on the merits, no fee is due in connection herewith. However, should the Patent Office determine otherwise, please charge the required fee to Human Genome Sciences, Inc., deposit account no. 08-3425. A Fee Transmittal is also enclosed.

Respectfully submitted,

Dated:

April 25, 2002


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Enclosures
MMW/AKR/lcc